

**TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING**

October 9, 2018

Present: Dave Decker, Alison Hassenplug, William Moran, Greg Reitze, Peter Schettler

Donald Petrosa, Solicitor, Patrick McKenna, Special Solicitor and Meredith Merino, Zoning Officer

A. Call to Order

Chairman Mr. Schettler called the meeting to order at 7:30 PM. He announced that the agenda would be amended in order to hear the SU-1A zoning amendment first.

B. Approval of Minutes-August

Mr. Decker motioned to approve the September 2018 minutes as submitted. Mr. Reitze seconded this motion and the Commission approved the minutes unanimously with a vote of 4-0.

C. Old Business

None

D. New Business

1) Ordinance amending Chapter 275, Zoning, SU-1A Mixed Use District, to permit communications antennas as a use by right, indoor storage building or warehousing as a use by right, and permitting communications towers as a Conditional Use.

Attorney Ryan Jennings was present on behalf of the McKee Group, owner of the the Franklin Mint Development project, to explain the draft ordinance. He explained that when the SU-1A ordinance was originally drafted, a provision for cell antennas as a use by right and cell towers as a use by Conditional Use was inadvertently omitted, since both are listed as such in other zoning districts. Patrick McKenna, Special Solicitor for the Township, noted that the indoor mini storage as a use by right was also written into the ordinance because the McKee Group is contemplating such a use on the property in the future, and it was a good time to add the use when the SU-1A ordinance was already in the process of being amended. Mr. Jennings explained that the ordinance amendment is scheduled for a hearing before Council on October 22, after which a Conditional Use application will be filed in order to place a permanent cell tower structure on the property. Kevin McLaughlin of the McKee Group explained that there is an existing AT&T cell antenna on the property which will need to be relocated during the course of the construction of the new State Police Barracks. A temporary "Cellular On Wheels" (C.O.W.) tower is being placed on the property to allow for continued communications coverage during the construction of the barracks and approval and construction of a permanent cell tower facility. The State Police were also

interested in having an antenna for their emergency communications use, so the antenna will be placed behind the Barracks. It will be designed to meet the requirements of the Zoning Code for cell towers.

After no further discussion, Mr. Moran motioned to recommend approval of the ordinance as drafted. Mr. Decker seconded the motion and the Planning Commission approved it with a vote of 5-0.

2) Conditional Use: PML Associates, 137 W. Knowlton Road

Attorney Timothy Sullivan appeared on behalf of PML Associates. He explained that in 1987, the Township passed Proposition 300 which gave the Township the ability to purchase 150 acres of open space on the Linvill property. The Linvills could continue retail farm operations on their portion of the life estate and allow for reasonable periodic expansion of the various uses set forth by the 1992 agreement by way of Conditional Use approval. The Linvills are currently requesting Conditional Use approval in order to permanently have a beer garden, primarily on weekends, run by Ship Bottom Brewery.

Rob Zarko, owner of Ship Bottom Brewery, explained that Ship Bottom has been approved by the Commonwealth of Pennsylvania and the Federal Government. Two years ago, the PALCB began offering "Exposition Permits" to allow for temporary beer gardens. The operation at Linvilla is strictly monitored, identifications are checked, and servers are "RAMP" or "TIP" certified.

Mr. Reitze asked if the beer garden would produce any additional traffic during the already heavy volume of fall traffic going to Linvilla. Mr. Zarko responded that the people already going to Linvilla would make use of the additional amenity, but that it in itself would not create any extra traffic. Mr. Reitze replied that he is concerned that there's no way to mitigate traffic, and they it may become even more of a burden to the people that live in the area.

In addition to the beer garden, the Conditional Use approval would also allow for wine tastings and hard cider tastings; all which would be operated by the manufacturers themselves, not Linvilla staff, as required by the state.

Mr. Petrosa explained that regardless of the Township's approval, any manufacturer that Linvilla Orchards would bring in to operate the sale or tastings of different types of spirits would still be required to get the appropriate permits from the state. If Linvilla's relationship with Ship Bottom were to end, Linvilla would need to find another manufacturer with a license to operate if they were to continue the use.

After no further discussion, Mr. Moran motioned to recommend approval, subject to the comments on number of manufacturers and types of spirits. Ms. Hassenplug seconded the motion and the Planning Commission approved it with a vote of 4-1 (Mr. Reitze opposed).

3) Ordinance amending the official Zoning Map by re-designating the property at 129 N. Middletown Road from R-1 to R-2; Ordinance amending Chapter 275, Zoning, R-2 Residential District, to amend the rear yard and side yard setback requirements applicable to one-story personal care facility.

Attorney Joseph Riper appeared on behalf of Artis Assisted Living. He explained that the Abboud property at 129 N. Middletown Road is under agreement of sale for a proposed Alzheimer care facility. The property is currently zoned R-1, which does not permit personal care facilities. However, all adjacent properties are zoned R-2, which does permit personal care facilities as a Conditional Use. In addition to requesting a zoning map change from the property from R-1 to R-2, a text amendment is also being requested to provide for a decrease in the side and rear yard requirements for 1-story personal care buildings, from 70 ft to 35 ft. Mr. Petrosa asked if there had been a determination made on the height of the one-story building, since the maximum allowable building height in R-2 is 35 ft. He stated that the theory behind creating certain setbacks for buildings is that if a building is lower, then theoretically a greater setback would not be needed. Bob Plesnik with Chester Valley Engineers pointed to the renderings of the proposed building and explained that all Artis buildings are constructed at a standard one-story height.

Mr. Plesnik explained that the proposed project would accommodate 72 patients, with right-in and right-out vehicular movements and provide for 54 parking spaces per the Zoning Code. He went on to say that there would be an evergreen tree buffer to the rear of the property and arborvitae screening adjacent to the 3 properties on Van Leer Avenue. There would be a maximum of 18 staff at the highest shift, and 8 staff overnight.

Previously, a concern from residents about traffic had been raised, and PennDOT determined that a traffic light at Van Leer would not meet the warrants. However, a protected stacking lane is being proposed at the intersection of Van Leer on Rt 352, which would provide a pull-out lane and allow vehicles to merge into traffic in phases.

Mr. Reitze asked if the neighbors are in favor of or opposed to the proposed use. Mr. Riper explained that they had reached out to the neighbors on several occasions and provided opportunities to meet and discuss the project. They did speak to a few neighbors who were generally supportive. The main concern is tied to traffic, but Mr. Riper explained that the use would produce a low traffic volume.

After no further discussion, Mr. Moran made a motion to recommend approval. Ms. Hassenplug seconded the motion and the board voted 5-0 to recommend approval.

Mr. Schettler adjourned the meeting at 8:30 PM.

Respectfully submitted,



Meredith Merino